



MICHIGAN
HOUSE OF REPRESENTATIVES
P.O. Box 30014
LANSING, MICHIGAN 48909-7514

**MINUTES OF THE COMMITTEE
ON
OVERSIGHT**

Thursday, March 23, 2017

9:00 a.m.

Room 326 House Office Building

The House Standing Committee on Oversight was called to order by the Chair.

Members present: Reps. Graves, Howrylak, Iden, Johnson, Hertel, Chirkun
Absent/Excused: None

Representative Johnson moved to adopt the minutes of March 16, 2017. There being no objection, the motion prevailed by unanimous consent.

The Chair laid the Performance Audit on the Michigan Department of Technology, Management and Budget before the committee.

Melissa Schuiling and Robin Garity from the Michigan Office of the Auditor General presented the Office of the Auditor General's performance audit report of the IT Project Management Processes within the Michigan Department of Technology, Management, and Budget. Questions and discussion followed.

The Chair laid HB 4205 before the committee:

HB 4205 (Cole)	Administrative procedure; rules; adoption of rules by state agencies; prohibit from being more stringent than federal regulations.
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Substitute (H-2) was previously adopted on March 16, 2017.

Representative Howrylak offered the following amendments to House Bill 4205 (H-2):

1. Amend page 3, line 15, after **"THAT"** by striking out **"THERE IS A CLEAR AND CONVINCING NEED"** and inserting **"A PREPONDERANCE OF THE EVIDENCE ESTABLISHES A NEED"**.
2. Amend page 3, line 22, after **"THAT"** by striking out **"THERE IS A CLEAR AND CONVINCING NEED"** and inserting **"A PREPONDERANCE OF THE EVIDENCE ESTABLISHES A NEED"**.
3. Amend page 5, line 19, after **"THAT"** by striking out **"ESTABLISH THE CLEAR AND CONVINCING NEED TO ADOPT THE MORE STRINGENT RULE"** and inserting **"SUPPORT THE DIRECTOR'S DETERMINATION THAT A PREPONDERANCE OF THE EVIDENCE ESTABLISHES A NEED TO EXCEED THE APPLICABLE FEDERAL STANDARD"**.

4. Amend page 5, line 26, after **“THAT”** by striking out **“ESTABLISH THE CLEAR AND CONVINCING NEED TO ADOPT THE MORE STRINGENT RULE”** and inserting **“SUPPORT THE DIRECTOR’S DETERMINATION THAT A PREPONDERANCE OF THE EVIDENCE ESTABLISHES A NEED TO EXCEED THE APPLICABLE FEDERAL STANDARD”**.

Representative Howrylak moved to adopt his amendments. The motion prevailed 6-0-0.

FAVORABLE ROLL CALL

Yeas: Reps. Graves, Howrylak, Iden, Johnson, Hertel, Chirkun.

Nays: None.

Pass: None.

Representative Johnson moved to report House Bill 4205 with recommendation as amended, as substitute H-3. The motion prevailed 4-2-0

FAVORABLE ROLL CALL

Yeas: Reps. Graves, Howrylak, Iden, Johnson.

Nays: Reps. Hertel, Chirkun.

Pass: None.

Tricia Kinley submitted a card on behalf of the Michigan Chamber of Commerce in support of the bill but did not wish to speak.

Kara Cook submitted a card on behalf of the Michigan League of Conservation Voters in opposition to the bill but did not wish to speak.

The Chair laid HB 4184 before the committee:

HB 4184 (Theis)	Civil rights; open meetings; physical presence required for vote; clarify.
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Substitute (H-1) was previously adopted on March 16, 2017.

Representative Iden moved to report House Bill 4184 with recommendation as substitute H-1. The motion failed 3-3-0.

UNFAVORABLE ROLL CALL

Yeas: Reps. Graves, Howrylak, Iden.

Nays: Reps. Johnson, Hertel, Chirkun.

Pass: None.

Representative Iden moved to reconsider the vote by which House Bill 4184 failed to be reported with recommendation as substitute H-1. The motion prevailed 4-2-0.

FAVORABLE ROLL CALL

Yeas: Reps. Graves, Howrylak, Iden, Johnson.
Nays: Reps. Hertel, Chirkun.
Pass: None.

Tom Frazier submitted a card on behalf of the Michigan Townships Association indicating that the association is neutral on the bill but did not wish to speak.

The Chair returned to the performance audit on the department for further discussion.

Brom Stibitz, Rob Surber, Ward Beauchamp, and Kerry DeBano of the Michigan Department of Technology, Management, and Budget testified in regards to the department's response to the Michigan Office of the Auditor General's performance audit report. Questions and discussion followed.

There being no further business before the committee, the Chair adjourned the meeting at 10:10 a.m.

Representative Joseph Graves, Chair_____

Ian Mays, Committee Clerk
House Oversight Committee